

**CLARK COUNTY COUNCIL  
VERBATIM TRANSCRIPT OF OCTOBER 17, 2023  
PUBLIC HEARING: ESSENTIAL PUBLIC FACILITIES**

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The Council convened a hybrid meeting at the Public Service Center, 1300 Franklin Street, sixth floor, Vancouver, Washington. Councilors Gary Medvigy and Sue Marshall attended in person. Councilors Glen Yung, Michelle Belkot, and Karen Dill Bowerman, Chair, attended via WebEx.

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The Council will consider a proposal to add a new code section, 40.260.077 Essential Public Facilities, which will create a process to site essential public facilities. This will include amendments to the following existing sections and chapters: 40.100.070 Definitions; 40.510.030 Type III Process-Quasi-Judicial Decisions, and 40.510.05 Application Submittal Requirements. Chapters that would be cross referenced and updated are, 40.210 Resource and Rural Districts; 40.220 Urban Residential Districts; 40.230 Commercial, Business, Mixed Use, and Industrial Districts; and 40.250 Overlay Districts.

MEDVIGY: Okay. We are live. We'll go ahead and resume and we have one more public hearing, Essential Public Facilities, and I see Michael Sallis's name here but -- okay. And is Oliver on it or are you taking his place? You're Oliver. Okay. Go ahead and you can introduce it.

ALVAREZ: So this is one of our docket items, Essential Public Facilities, it's a code change. Michael will go through and explain.

I just did want to let you know that typically this would go through our annual reviews and dockets and be included in our culminating adopting ordinance. There was a delay in getting

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this through so it's not part of that and so we don't have an adopting ordinance tonight, but we will bring that back to you November 7th on Consent.

And there's a lot of different pieces of code that are being included, so we just wanted to make sure that there weren't going to be any changes before we went through and put that together. I'll let Mike take over.

SALLIS: Thank you, Jose. Can you guys hear me? Good evening, members of the Council. My name is Michael Sallis, I work for Clark County Planning, Community Planning. This is kind of my first time seeing all of you here in person as opposed to on my screen.

MEDVIGY: Yeah, I know we're really scary.

MARSHALL: Yeah, we're scary.

SALLIS: So let me go ahead and get started here. We're going to go ahead and talk about Essential Public Facilities. And so next slide.

We're going to basically talk about a little bit of the background, the proposed actions that we're going to do with our

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code and then the findings from staff and the Planning Commission recommendation and then sort of what those next steps are which I think there's one that Jose already mentioned. Next slide.

So, oh, okay. So public, Essential Public Facilities or EPF means any public facility owned or operated by units or of local, state and federal government, public or private entity, transportation company or any other entity that provides a public service as a primary mission and can be difficult to site.

EPF includes, but are not limited to, those facilities under RCW 36.70A.200 and may also include facilities such as regional wastewater treatment facilities and hospitals. Next slide.

So when we're having our meeting with or public hearing with the public, the Planning Commission, one of the things that they wanted to know is why now. Well, the reasons why is each county planning under Growth Management Act and RCW 36.70A.040 shall establish a process for identifying and siting Essential Public Facilities.

Essential Public Facilities was not defined in our existing code, that was another reason. And then the last one was we

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needed the process to deal with those EPFs that are typically difficult to site. Next slide.

So these are the proposed actions that we are looking to put in our code. The first one is to create the code itself which if approved would be 40.260.077, that will be our Essential Public Facilities portion of it.

The next one is the definition that we have and so this definition that I'll give is one that comes from the State and it's Essential Public Facilities include those facilities that are typically difficult to site such as airports, State education facilities and State and regional transportation facilities that's defined under RCW 47.06.140.

Regional transportation authority facilities as defined in RCW 81.112.020. State and local correctional facilities, solid waste handling facilities, inpatient facilities including substance abuse facilities, mental health facilities, government homes -- or sorry -- group homes, community facilities as defined under RCW 72.05.020. And secure community transition facilities as defined under RCW 71.09.020.

The next one that's on our list is a timeline. Right now currently the pre-application review time is 21 days and this

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process that we're proposing extends that pre-application period to 45 days which would give the applicant ample time to provide all pertinent material and give staff time to thoroughly review information submitted by the applicant.

The next one I have on there is the narrative. Under our current pre-application, a narrative is not required and under this process a narrative would be required as part of the pre-application review.

There is, the last one, the last bullet on my list is the cross-references and basically we're going to add cross-references of the new code to those uses that may be subject to the EPF.

And this will include amendments to the following existing sections and chapters, 40.100.070 which is definitions. 40.510.030, Type III process for quasi-judicial decisions.

40.510.050, application submittal requirements and chapters that would be cross-referenced and updated are 410-210 -- I'm sorry -- 40.210, resource and rural districts.

48.220 which is urban residential districts. 40.230, commercial business, mixed use and industrial districts. And 40.550 -- or

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sorry -- 40.250 which is overlay district.

An EPF does not, if we have an EPF that does not present a siting difficulty, it would fall or be permitted under the normal Type IIA development review process and require a conditional use permit. If it is difficult to site, it falls under our Type III process and again require a conditional use permit.

The EPF siting process is to allow for the county to impose reasonable conditions on an EPF to mitigate for impacts. The review process for siting would also include public noticing requirements and opportunity for public comment. Next slide.

Staff findings is that the code updates are consistent with the Growth Management Act and the WAC and the comprehensive planning. And lastly, the Planning Commission recommended approval of the EPF code updates. Next slide.

This just gives us a sense of where we started which was back in August of, August 3rd with the Planning Commission work session, followed by a hearing on August 17th which led to our work session with Council on September 20th and then our public hearing for tonight.

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The one additional was one that Jose had mentioned earlier and that's to do the consent on November 7th. And the last one is any discussion or questions?

MEDVIGY: So so far you've survived this first appearance here in front of us. I see on the notes that it will be finalized and brought back on November 7th, we're not actually approving the resolution tonight, is that the process?

ALVAREZ: Right. We don't have the ordinance but when we do the annual reviews and dockets we have a hearing and you vote to approve and then we'll come back on consent and so you can do that tonight.

MEDVIGY: Okay. So questions of Council?

BELKOT: So do other, is it very common in other counties around Washington State to have EPF ordinances?

ALVAREZ: It's required.

BELKOT: Okay. So we just haven't had that because it had just come up? Yeah. Why now I'm wondering?

ALVAREZ: So we've had elements, Essential Public Facilities

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like and distributed throughout the code. I think there was the State was going through a process where they were going to do some update and we recognized that we didn't have this in our code and we needed to do that as of about two years ago before the pandemic and we had set up a process to do that, we were waiting, there was some additional code that the State was going to come up with that we thought we might include in this, that didn't pan out, so we just decided to go forward.

We looked at some of the other model codes that the State has for other jurisdictions and that's why we're doing it now, we just recognize we were lacking that.

BELKOT: Okay. So it's just more of a compliancy?

ALVAREZ: Yes.

BELKOT: Okay. Thank you.

YUNG: Thank you for that presentation, I appreciate it. There's a couple of things, first of all, I'd like to ask what the discussion was with the Planning Commission because I did read it was 3 to 1, can you expand a little bit on the vote, the no vote.



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ALVAREZ: I think Councilor Morasch had recently represented an applicant that was the Behavioral Health Facility that was being cited out by WSU and the iTech High School and so from his experience on that there were some issues with the State facility and going through their review process and looking at different sites.

And the way our code is structured he had some concerns that we weren't really establishing a review process for or requiring a site review process in this code which we typically don't do, we are requiring them to show that they have done something.

And so when it goes to the hearing's examiner, that's going to be a criteria that will be evaluated both by staff and the hearing's examiner and he just didn't think it went far enough.

YUNG: Okay. Thank you for that. I appreciate that. And so I, you know, this is an interesting discussion because, you know, I mean we all know certain recent examples that have taken place in our community of services that were desperately needed and were so hard to get through.

On the flip side, and this is my personal opinion, we also saw a project that wasn't necessarily for the benefit of the county or it wasn't, you know, it didn't, it was a private project that I

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feel like it fit the zoning parameter of the location but the location was wrong.

And so my question is, what exactly is the process? I mean, just because a facility is zoned correct or that, you know, it would fit that zoning, I guess my question, what is the safeguard against something that really should not happen happening?

ALVAREZ: So the Essential Public Facilities are things that are like you mentioned, they're essential so we can't deny them. We can create a process to help balance so that there's sufficient information provided by the proponent and sufficient process for those that are concerned so we can help mitigate the conditions. Whether a use is allowed in a particular zone is sort of already established. If we want to revisit that, that would be another process.

YUNG: Yeah. I was more focused on the time when it is zoned for that facility and it still is really not the right location. I guess is one of the things, I'm supportive, I'm going to approve this or vote to approve it, but I can see this as something that comes back later to us and we're like, oh, boy, you know, because we're like, wow, that really does not make sense to have that particular facility in that particular

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location but now we've fast-tracked it through.

So I just I'm not sure exactly how the hearings process goes. And I mean if the land is properly zoned there is no chance of stopping that particular project if I'm understanding correctly.

ALVAREZ: So part of it would be one of the requirements is to requiring them to provide the site evaluation that was done and so that's something that we can look at and see why did you choose this site, was there a better site, but as part of the review process we're not choosing an alternative site for an applicant so we can only evaluate the information that they provide us, we're requiring them to submit that information so we can evaluate that and share that with the hearing's examiner.

YUNG: Okay. And so if I'm understanding you correctly essentially that even though it's zoned properly, there could be instances where we would say, no, this is not the proper location for that facility?

ALVAREZ: Possibly. That that would be -- it really depends on --

YUNG: Unlikely but possible it is something that could happen? Okay.

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ALVAREZ: Right.

YUNG: Okay. Thank you.

MEDVIGY: Other questions? Okay. Well, thank you, Michael, for that briefing. So do we need public comment first of all, I don't see a lot of people in the room, do we have anybody online and we do have a transcriber although she's not in the room so we do need you to say your last name and spell it. Okay.

All right. We have no comments. Do we need a vote because we don't have a resolution number?

LOPEZ: So the Council, a Councilor would make a motion to approve.

MEDVIGY: Is there a resolution number? No.

OTTO: Just, Jose, if I can just ask really quick. Can Council approve the ordinance tonight since there's no suggested changes and then therefore we don't need to bring it back on consent?

MEDVIGY: I see lots of grimaces.

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OTTO: Just trying to help get this done.

ALVAREZ: I don't have an issue but I think legal staff, there's no --

LOPEZ: I think I'm going to see if Ms. Cook can respond to that question.

OTTO: Chris, we can't hear you on our side.

COOK: Oh, dear. Can you hear now?

OTTO: Yeah, if you bring it a little bit closer to you, you're still pretty low.

COOK: Okay. Does that help?

OTTO: Great. Yes. Thank you.

COOK: Excellent. I actually don't know whether there is a number or not. I don't believe that it would be a good idea to approve an ordinance before an actual ordinance is written. I know that the code sections are written.

Typically what you do when you deal with dockets and annual

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reviews is you have a hearing just like this one and then a motion to approve and then later Planning comes back with a written ordinance that encompasses all the dockets that have been approved.

So even if there's only just one, which I guess that's happening right now, I would suggest you do it that way to approve staffs recommendation or I guess we'd call it the Planning Commissions recommendation, I think that would be an adequate motion.

MEDVIGY: Thank you. That was Christine Cook, C-o-o-k.

COOK: Thank you.

MEDVIGY: So from what I heard we'll make a motion to approve to come back on the 7th to adopt the ordinance.

ALVAREZ: And we do have the CPZ number.

MEDVIGY: So is there a second?

MARSHALL: Was there a motion? I'm sorry.

MEDVIGY: I made the motion to put it over to the 7th to adopt the ordinance once it's written and we have a number for it.

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BELKOT: I'll second.

MEDVIGY: Okay. We have a second. Any further discussion? All those in favor please say aye.

MARSHALL: AYE

BELKOT: AYE

YUNG: AYE

MEDVIGY: AYE

MEDVIGY: Any opposed? Hearing none, the motion carries. Thank you. Thank you very much, Michael.

SALLIS: You're welcome.

HOLLEY: Councilor Medvigy, who seconded that?

MEDVIGY: Michelle Belkot.

HOLLEY: Okay. Thank you.

MEDVIGY: She's very soft spoken.

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Karen Dill Bowerman, Chair, District 3

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Glen Yung, District 1

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Michelle Belkot, District 2

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Gary Medvigy, District 4

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Sue Marshall, District 5

ATTEST:

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Rebecca Messinger, Clerk to the Council

Minutes Transcribed by:  
Cindy Holley, Court Reporter/Rider & Associates, Inc.